



**OFFICE OF ZONING AND DEVELOPMENT**  
 55 Trinity Avenue S.W., Suite 3350  
 Atlanta, Georgia 30303  
 (404) 330-6145

APPLICATION #: **V-17-314**

DATE ACCEPTED **10/25/2017**

**NOTICE TO APPLICANT**

Address of Property:  
**269 Armour DR NE**

City Council District: **6** Neighborhood Planning Unit (NPU): **E**

Board of Zoning Adjustment (BZA) Hearing Date:

**Thursday, December 14, 2017 at 12:00 p.m.**

Council Chambers, 2nd Floor, City Hall  
 55 Trinity Avenue, S.W.

The contact person for NPU E is:

**Nabil Hammam**  
**404-886-8448**  
**nabilhammam5@gmail.com**

Contact info for adjacent NPUs is provided below if necessary:

**Additional Contacts: (NPU F)**  
**404-376-3230**  
**zoning@npufatlanta.org**

Please contact the person(s) listed above within five days to find out which meetings you will be required to attend before the next NPU meeting. If you are unable to reach the contact person, please call the city's NPU Coordinator at 404-330-6145.

Signed,

CC, for Director, Office of Zoning and  
 Development

10/05/17

Kronberg Wall

10/05/17

Department of City Planning  
 Office of Zoning & Development

OCT 25 2017

55 Trinity Ave. S.W.  
 Ste. 3350  
 Atlanta, GA



OCT 25 2017

# CITY OF ATLANTA

Office of Buildings - Zoning Division  
55 TRINITY AVENUE, SUITE 3900  
Atlanta, Georgia 30303  
404-330-6175

65 Trinity Ave. S.W.  
Ste. 3350  
Atlanta, GA

## REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER V-17-314  
NPU E DATE FILED 10/25/17

1. Kronberg Wall  
Name of Applicant

## BUILDING PERMIT AUTHORIZING

Parking reduction for health club

at 269 Armour DR NE 17<sup>th</sup>/103  
Street Address Quadrant District & Land Lot

to be used for Mixed Use purposes

The property is zoned I-1/Beltline District

2. The Building Permit Was Denied For The Following Reasons:

Applicant seeks a Special Exception from the zoning ordinance to reduce required on-site parking from 44 parking spaces to 0 parking spaces.

Applicant seeks no other variances or exceptions at this time.

A Complete Plan Review Was Not Conducted.

## 1982 ZONING ORDINANCE, AS AMENDED

Chapter 17 Section 16-17.009 Paragraph (6)

Chapter \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_

Chapter \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_

Scott Haeblerlin 10-25-17  
Plan Reviewer Date

 10.25.17  
Applicant Date

V-17-31417

# APPLICATION FOR BOARD OF ZONING ADJUSTMENT

85 Trinity Ave. S.W.  
Atlanta, GA

Please mark "X" next to the type of application(s) you are submitting:

Variance	
Special Exception	X
Variance & Special Exception	

Date Filed 10/25/2017 Application Number \_\_\_\_\_

Name of Applicant Kronberg Wall Daytime Phone 404-653-0553

Company Name (if applicable) Kronberg Wall email ekronberg@kronbergwall.com

Address 887 Wylie St Atlanta GA 30316  
street city state zip code

Name of Property Owner Rodriguez Associates, LLC Phone 404-456-0093

Address 251 Armour Dr Atlanta GA 30324  
street city state zip code

### Description of Property

Address of Property 269 Armour Dr Atlanta GA 30324  
street city state zip code

Area: 56,797 SF Land Lot: 103 District: 17, Fulton County, GA.

Property is zoned: I-1, Council District: 6, Neighborhood Planning Unit (NPU): E

TO THE BOARD OF ZONING ADJUSTMENT: Applicant, having received an adverse order or requirement from the administrative officer in seeking a building permit or certificate of occupancy, hereby requests that the Board of Zoning Adjustment grant a Variance or Special Exception.

I hereby authorize the staff of the Office of Zoning and Development to inspect the premises of the above-described property. I understand that it is my responsibility to post a public notice sign on the property according to the instructions given to me by the Office of Zoning and Development upon filing this application. I swear that all statements herein and attached hereto are true and correct to the best of my knowledge and belief.

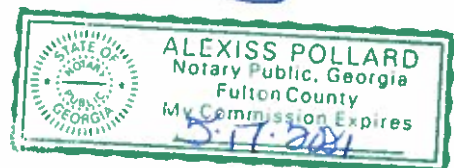
ERIC KRONBERG

Owner or Agent for Owner (Applicant)

Print Name of Owner

Sworn To And Subscribed Before Me This 25 Day Of Oct, 2017.

NOTARY PUBLIC





# SPECIAL EXCEPTION JUSTIFICATION

**PROJECT** 269 Armour Dr **DATE:** 10/24/17  
**ADDRESS:**  
**TO:** Office of Zoning & Development **FROM:** Eric Kronberg

**We request to reduce the required parking for the conversion of a tenant space within an existing warehouse to a fitness facility from 44 spaces to no more than 0 spaces.**

## Sec. 16-16.009 – Special Exception for I-1 Off-Street Parking Requirements

In addition to the special exceptions enumerated in [Chapter 25](#) which the Board of Zoning Adjustment is empowered to consider, the Board may also waive or reduce the parking and loading requirements in any of the districts when the character or use of the building is such as to make unnecessary the full provisions of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot.

The City of Atlanta completed its Zoning Diagnostic in May 2016. Parking requirement reform has been recommended as part of the Quick Fix solutions to create a better built environment for the citizens and visitors to our great city. The official recommendation is to eliminate parking requirements for all buildings built before 1965 (the year the city started requiring parking). The warehouse which is proposed to be converted to a new tenant space was built in 1960 per the Fulton County Tax records and fits this recommended criteria.

**EXPANDING TRANSPORTATION OPTIONS**

**» QUICK FIXES**

<p><b>Bicycle Parking</b></p> <ul style="list-style-type: none"> <li>Standardize all bike parking requirements and combine them into one section of the code.</li> </ul>	<p><b>Sidewalks in Conventional Districts</b></p> <ul style="list-style-type: none"> <li>Add sidewalk and streetscape requirements to conventional districts (e.g. C-1, O-I, RLC, RG).</li> </ul>
<p><b>Parking</b></p> <ul style="list-style-type: none"> <li>Eliminate minimum parking requirements for buildings constructed before 1965 (the year the City started requiring parking)</li> <li>Allow tandem parking spaces to count toward required parking.</li> </ul>	<p><b>TND Street Standards</b></p> <ul style="list-style-type: none"> <li>Allow Traditional Neighborhood Development (TND) street standards to be used citywide.</li> </ul>

**Atlanta Zoning Diagnostic DRAFT RECOMMENDATIONS » May 18, 2016**

We assert that the parking requirements impose an unreasonable hardship on this building and request that all parking requirements be eliminated for this site for all existing buildings. No further justification should be required. However, we lay out the following additional factors for consideration:

### **Existing Conditions**

The site contains an existing warehouse and existing loading docks that will be repurposed into two tenant spaces. One tenant, The District (a nightclub) has an approved SAP site plan for the property. The special exception requested is for the second tenant, which proposes to use the remainder of the existing warehouse for a fitness facility. No exterior improvements are proposed for this interior tenant fit-out. The site has existing paving used for parking and loading, which the applicant proposes to repurpose and restripe for parking. Due to the shape of the site, the existing buildings and the extent of existing pavement, there is limited space to meet the parking requirements. No new pavement is proposed. As such, the site can fit 19 parking spaces within the property lines, 9 parallel spaces outside of the property lines, and 22 on-street spaces along Armour Dr.

### **Project Assumptions**

- The nightclub tenant will operate from 6:00 PM – 3:00 AM daily. As shown in the approved SAP site plan, the tenant will use the 19 on-site spaces and has secured off-site parking to meet the rest of their parking demand during their operating hours.
- The fitness center tenant will operate from 5:00 AM – 9:00 PM during the week, and from 8:00 AM – 7:00 PM on weekends (Saturday and Sunday).
- A fitness center is considered an office use for parking purposes, and requires a ratio of 1 space per 300 SF.  $13,230 \text{ SF} / 300 = 44$  required parking spaces.
- Between the hours of 5 AM – 6 PM during the week, the fitness center will have access to the 19 on-site spaces, the 9 parallel spaces located just outside the property lines, and the 22 on-street spaces: for a total of 50 parking spaces. The assumption is that during the weekdays most people using the fitness facility will walk from nearby offices (and thus 44 spaces would not be required).
- Between the hours of 6 PM – 9 PM during the week, the fitness center will have access to the same amount of parking as the nightclub operators do not foresee many patrons

until at least 9 PM. Although their hours of operation begin at 6 PM, it will likely only be employees present until 9 PM. If we assume 6 employees are present during these hours, then the parking count is reduced from 50 to 44, which still meets the required number.

- Because the Armour / Ottley District is primarily office space, the weekends do not present a parking problem for the fitness center. Again, the property will have access to 19 on-site, 9 almost on-site, and 22 on-street (plus many more on-street further down Armour because the area will not be heavily trafficked during the day on weekends) for a total of 50+ potential spaces for fitness center patrons.

### **Unreasonable Hardship**

Because of the aforementioned existing conditions, it is unreasonable to assert that the site is underserved by parking. However, per the zoning requirements, the site is technically *underparked* by 44 spaces due to the time of day overlap with the nightclub tenant.

The fitness center use is compatible with the overall district and sharing a site with a nightclub. The time of day sharing between the nightclub and fitness center will allow for maximum use of all the parking spaces in a compatible fashion. There is only a small window of time in the evenings when both uses will be open. However, while the nightclub may open at 6 pm, it won't see a majority of patrons until after 9 pm, which is closing time for the fitness center. There is also a significant amount of on street parking available along Armour, as well as many more folks in the district that can now walk or bike to the fitness use while leaving their vehicles parked at their respective offices.

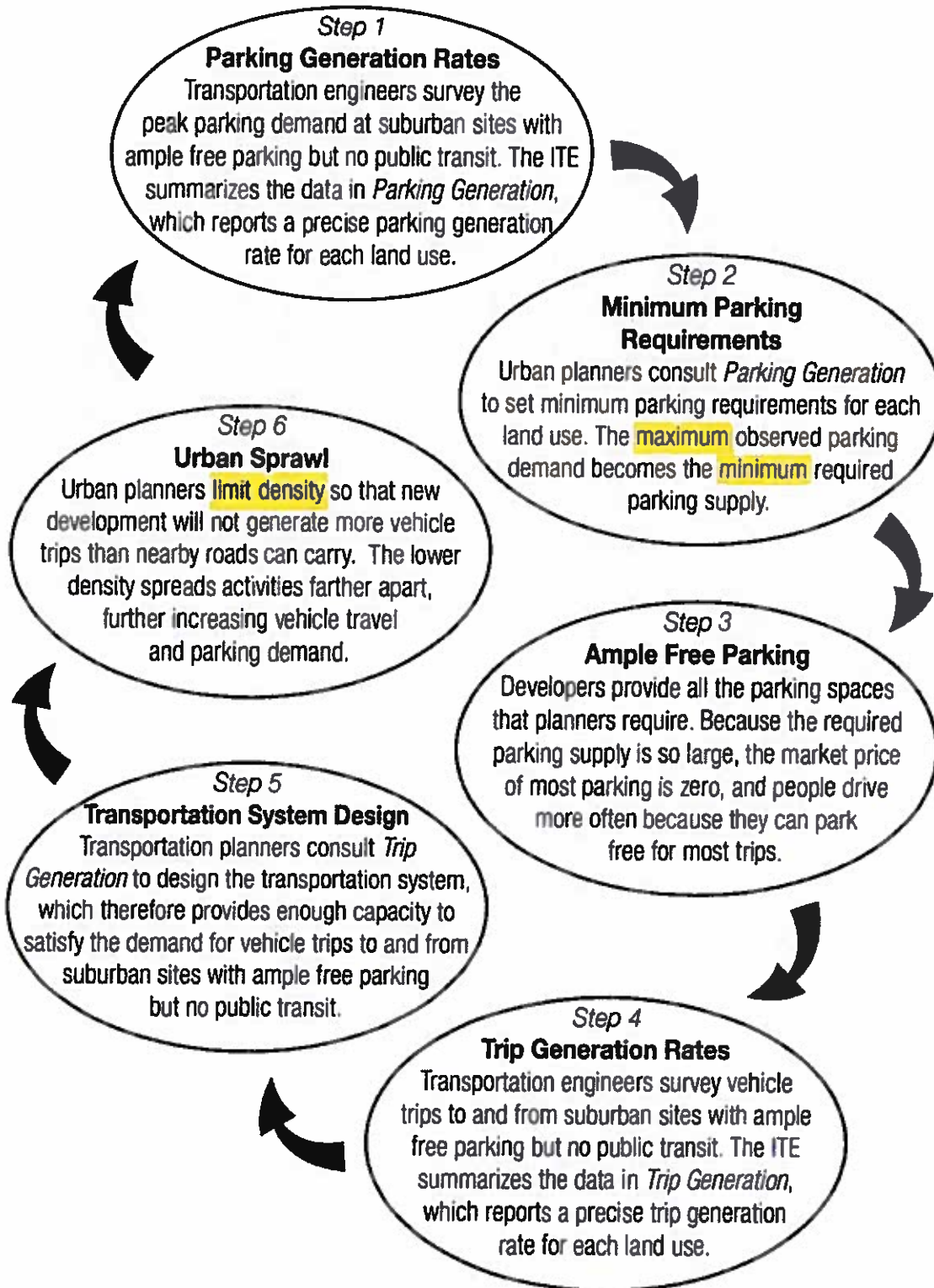
Due to the existing conditions on the site (existing buildings, existing asphalt), and due to the shape and topography of the lot, the provision of such parking requirements causes an unreasonable hardship. The property is located within the Beltline Overlay district and very close the future proposed trail, thus decreasing the need for large amounts of parking. The applicant thus requests that the property be granted a special exception from parking requirements as the proposed project is adequately parked, adequately served by transit, and aims to serve as a good neighbor and steward in the on-going revitalization of this office-centric district.

**While this should serve as all the justification required per Sec-16-26.006, There are several additional points to cover to further justify this request:**

- 1) Off street parking requirements are exceedingly misguided and inappropriate for Atlanta, should it want to achieve the goals stated in its recently completed zoning diagnostic.
- 2) The property owner has the ability to manage parking demand through time of day balancing of uses (without the need for regulatory mandates).

Parking requirements are often one of the most controversial components of redevelopment, often resulting in requests to the Board of Zoning Adjustment for some form of relief. Few people ever stop to understand where parking requirements came from. Instead, such ratios are accepted as highly scientific, handed down from on high. Unfortunately, nothing could be further from the truth, particularly for an urban environment like Atlanta. In addition to the justification described above, which seeks a parking reduction based upon the zoning diagnostic recommendations, we would like to share an important diagram about the life cycle of parking requirements from Donald Shoup's definitive text on the subject, [The High Cost of Free Parking](#).

**Figure 2-9. Six-step Process of Planning for Free Parking**





V-17-314

# AUTHORIZATION BY PROPERTY OWNER

(Required only if the applicant is not the owner of the property subject to the proposed application.)

NOV 25 2017

(Please print clearly. Must be the original document. A copy will not be accepted.)

City of Atlanta, GA  
City of Atlanta, GA  
City of Atlanta, GA

I, Zoila Rodriguez (OWNER'S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 269 Armour Dr (PROPERTY ADDRESS), AS SHOWN IN THE RECORDS OF Fulton COUNTY, GEORGIA, WHICH IS THE SUBJECT MATTER OF THE ATTACHED APPLICATION. I AUTHORIZE THE PERSON NAMED BELOW TO FILE THIS APPLICATION AS MY AGENT.

**NAME OF APPLICANT:**

LAST NAME Kronberg Wall FIRST NAME \_\_\_\_\_

ADDRESS 887 Wylie St SUITE \_\_\_\_\_

CITY Atlanta STATE GA ZIP CODE 30309

OWNER'S TELEPHONE NUMBER: 404-456-0093

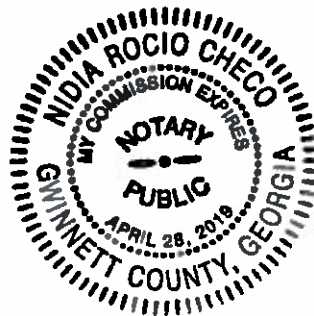
Ruben N. Rodriguez, Jr.  
SIGNATURE OF OWNER

Ruben N. Rodriguez, Jr.  
PRINT NAME OF OWNER

PERSONALLY APPEARED BEFORE ME THE ABOVE NAMES, WHO SWEARS THAT THE INFORMATION CONTAINED IN THIS AUTHORIZATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Ken Greco  
NOTARY PUBLIC  
10/23/2017

DATE



V-17-314

# AUTHORIZATION BY PROPERTY OWNER <sup>25 2017</sup>

(Required only if the applicant is not the owner of the property subject to the proposed application.)

(Please print clearly. Must be the original document. A copy will not be accepted.)

55 Trinity Ave, S.W.  
Atlanta, GA

I, Rodriguez Associates, LLC (OWNER'S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 269 Armour Dr (PROPERTY ADDRESS), AS SHOWN IN THE RECORDS OF Fulton COUNTY, GEORGIA, WHICH IS THE SUBJECT MATTER OF THE ATTACHED APPLICATION. I AUTHORIZE THE PERSON NAMED BELOW TO FILE THIS APPLICATION AS MY AGENT.

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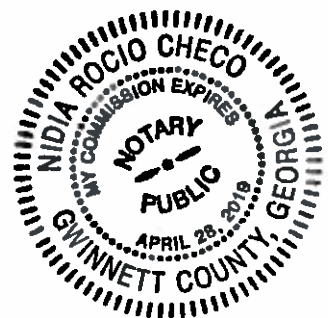
Ruben N. Rodriguez  
SIGNATURE OF OWNER

Ruben N. Rodriguez, Jr.  
PRINT NAME OF OWNER

PERSONALLY APPEARED BEFORE ME THE ABOVE NAMES, WHO SWEARS THAT THE INFORMATION CONTAINED IN THIS AUTHORIZATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

[Signature]  
NOTARY PUBLIC  
10/23/2017

DATE



RECEIPT

CITY OF ATLANTA  
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 TRINITY AVE SW, ATLANTA GA 30303  
404-330-6070

PAID  
CITY OF ATLANTA

OCT 25 2017

EX OFFICIO MUNICIPAL  
REVENUE COLLECTOR



Application: V-17-314  
Application Type: Planning/BZA/Special Exception/NA  
Address: 269 ARMOUR DR NE, ATLANTA, GA 30324  
Owner Name: RODRIGUEZ Associates, LLC  
Owner Address: 251 Armour Drive Atlanta, GA 30324  
Application Name: 269 Armour Drove

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
548180		\$625.00	10/25/2017	PAMITCHELL		

Owner Info.: RODRIGUEZ Associates, LLC  
251 Armour Drive  
Atlanta, GA 30324

Work Description: Special Exception to reduce onsite parking from 44 to 0

Department of City Planning  
Office of Zoning & Development

OCT 25 2017

55 Trinity Ave. S.W.  
Ste. 3350  
Atlanta, GA

CITY OF ATL BLDG PERMI  
55 TRINITY AVE STE 1350  
ATLANTA, GA 30303

10/25/2017 12:22:32

CREDIT CARD  
VISA SALE

Card #	XXXXXXXXXXXX6658
Chip Card:	VISA CREDIT
AID:	A000000031010
ATC:	0031
TC:	543DC81CDE8BF08
SEQ #:	14
Batch #:	133
INVOICE	14
Approval Code:	06870G
Entry Method:	Chip Read
Mode:	Issuer
Tax Amount:	\$0.00

SALE AMOUNT \$625.00

CUSTOMER COPY



